

REMARKS

Claims 1-24 were originally filed in the present application.

Claims 1-24 are pending in the present application.

Claims 23-24 were rejected in the April 24, 2007 Office Action.

Claims 1-22 have been allowed.

Claim 23 is amended herein.

Claims 1-24 remain in the present application.

Reconsideration of the claims is respectfully requested.

On page 5 of the April 24, 2007 Office Action, the Examiner has allowed Claims 1-22.

Applicants thank the Examiner for this determination. However, on pages 2 and 3 of the April 24, 2007 Office Action, the Examiner rejected Claims 1-24 were rejected as unpatentable under the judicially created doctrine of double patenting over Claims 1-21 of U.S. Patent No. 6,522,873 to *Moles, et al.* ("the '873 Patent"). Applicants respectfully disagree and traverse this rejection.

Obviousness-type double patenting requires rejection of an application claim when the claimed subject matter is *not* patentably distinct from the subject matter claimed in a commonly owned patent, when the issuance of a second patent would provide unjustified extension of the term of the right to exclude granted by a patent. MPEP §804, p. 800-21 (8th ed., rev. 5, August 2006) (emphasis added). A double patenting rejection of the obviousness-type is analogous to the non-obviousness requirement of 35 U.S.C. §103 except that the patent principally underlying the double patenting rejection is not considered prior art. *Id.* (citations omitted).

Claim 1 of the '837 Patent is generally directed to an apparatus for controlling the slotted and non-slotted modes of operation of a wireless communication device. A slotted mode power controller is coupled to a power monitor that determines if an external power supply is providing external power to the wireless communication device and, if so, a first signal is generated indicating the same. The slotted mode power controller terminates slotted mode operation when that first signal indicated that external power is being provided to the wireless communication device. The other independent claims of the '837 Patent have similar requirements.

Claim 1 of the present application, on the other hand, makes no mention of and have nothing to do with *any power monitoring*, let alone requiring *a first signal indicating that external power is being provided to the wireless communication device*. In fact, Claim 1 of the present application requires a reduced slot a reduced slot cycle controller capable of receiving traffic statistics information from said traffic monitor and determining *whether use of said reduced slot cycle mode by said mobile stations communicating with said base station interferes with scheduling of paging message transmissions by said base station*. The other independent claims of the present application have similar requirements.

Moreover, there is no suggestion or motivation within either references to prompt one of ordinary skill to selectively combine discrete elements from each and then *seek out* still other elements as required by Claim 1 (or any other claim) of the present application.

Accordingly, Claims 1-24 of the present application are *patentably distinct* from Claims 1-21 of the '837 Patent. The Applicants therefore respectfully request the Examiner to withdraw the double patenting rejection.

On pages 3-5 of the April 24, 2007 Office Action, the Examiner rejected Claims 23-24 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0114156 to Kinnavy (the "Kinnavy reference") in view of U.S. Patent No. 6,389,276 to Brilla, *et al.* (the "Brilla reference"). Applicants respectfully disagree and traverse the Examiner's arguments in support of the rejection.

Claim 23 of the present application currently requires:

A mobile station for communicating with a base station of a wireless network, said mobile station capable of operating in a full slot cycle mode and a reduced slot cycle mode wherein, *in response to a determination that said use of said reduced slot cycle mode by said mobile station interferes with scheduling of paging message transmissions by said mobile station*, said mobile station is capable of receiving a first control message from said base station indicating that said reduced slot cycle mode is disabled in said base station. (*emphasis added*).

Notably, Claim 23 currently requires that in response to a determination that said use of said reduced slot cycle mode by said mobile station interferes with scheduling of paging message transmissions by said mobile station, said mobile station is capable of receiving a first control message from said base station indicating that said reduced slot cycle mode is disabled in said base station.

The Kinnavy reference, either alone or in any combination with the Brilla reference, fails to teach or disclose a mobile station in which, in response to a determination that said use of said

reduced slot cycle mode by said mobile station *interferes with scheduling of paging message transmissions by said mobile station*, said mobile station is capable of receiving a first control message from said base station indicating that said reduced slot cycle mode is disabled in said base station, as currently required by Claim 23 and its dependent Claim 24. Moreover, there is no suggestion or motivation within either reference to prompt one of ordinary skill to selectively combine discrete elements from each and then *seek out* still others as required by Claim 23 and its dependent Claim 24.

Accordingly, Applicants respectfully request favorable reconsideration and the withdrawal of the §103 rejection.

SUMMARY

For the reasons given above, the Applicants respectfully request reconsideration and allowance of the pending claims and that this application be passed to issue. If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmockler@munckbutrus.com*.


The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

MUNCK BUTRUS, P.C.

Date: 5 June 2007

P.O. Drawer 800889
Dallas, Texas 75380
Phone: (972) 628-3600
Fax: (972) 628-3616
E-mail: *jmockler@munckbutrus.com*



John T. Mockler
Registration No. 39,775